

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2008-050582

09/09/2009

HONORABLE MICHAEL D. GORDON

CLERK OF THE COURT
M. Wetherell
Deputy

Atlas No.: 000823961300
IN RE THE MATTER OF
KIRK P ROBERTS

KIRK P ROBERTS
1009 W ROSS AVE
PHOENIX AZ 85027

AND

VIOLETRAY MARY ANN MELTON

VIOLETRAY MARY ANN MELTON
UP

AG-CHILD SUPPORT-NORTH
CENTRAL OFFICE

MINUTE ENTRY

The Court has received and considered Petitioner/Father's "Request to Move Out of State w/My Kids" filed September 1, 2009; Respondent/Mother's "Petition to Modify Child Custody, Parenting Time and Child Support" filed August 27, 2009, and Petitioner/Father's "Motion to Deny Custody Modification Hearing" filed September 1, 2009.

Petitioner/Father's request to move out of state with the parties' minor children violated Rule 91(E) of the Arizona Rules of Family Law Procedure. Father is granted leave until September 30, 2009 to correct the errors and file an "amended" pleading or the request shall be automatically dismissed. Father shall also comply with the requirements of Arizona Revised Statute Ann. §25-408 by that date.

IT IS ORDERED granting Father's motion to dismiss Respondent/Mother's Petition to Modify Child Custody, Parenting Time and Child Support.

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Respondent/Mother claimed that she was unaware of the hearing. Mother's motion is really one made under Rule 85(C)(1)(1) ("Mistake"). It is untimely. Mother may file a proper petition for modification of custody, if allegations may be made using affidavits under Arizona Revised Statute Ann. §25-411(A).

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.